

REMARKS:

Summary of Claim Amendments

By the present amendment, claims 32-34 are cancelled without prejudice or disclaimer, so as to simplify issues for appeal. Claim 31 and claims 19-29 had been previously cancelled. Claim 30 remains pending. The remaining claims are withdrawn.

Applicant respectfully submits that claims 32-34 are cancelled merely to simplify issues for appeal, and thus claims 32-34 are cancelled without prejudice or disclaimer. Applicant reserves the right to re-introduce claims 32-34 in this application, or in continuing application(s), and thus Applicant does not dedicate claims 32-34 or any of the withdrawn or other cancelled claims to the public.

Applicants submit that no new matter is added.

Appeal Brief

Applicant files concurrently herewith, an Appeal Brief setting forth Applicant arguments in response to the previous Final Office Action and the previously filed Notice of Appeal .

Applicant respectfully notes that filing of the present amendment is provided for in 37 C.F.R. § 41.33(b)(1). Namely, that this amendment “may be admitted [] to cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding.” 37 C.F.R. § 41.33(b)(1). *See also* Manual of Patent Examining Procedure (“MPEP”) § 1206, Rev. 3, August 2005.

Accordingly, Applicant respectfully requests entry of the present amendment because the cancellation of claims 32-34 does not affect the scope of any other pending claims in the proceeding (as only claim 30 is now pending), and further the present amendment simplifies issues for appeal.

Applicant respectfully notes that the present amendment and Appeal Brief submitted concurrently herewith are being filed with the USPTO prior to the New Appeal Rules taking effect, *i.e.*, prior to December 10, 2008.

Conclusion

In view of the above, Applicant submits that the application is now in condition for allowance and issue and respectfully requests early action to that end. Applicant believes that no additional fees are due. However, should any fees be due, the Commissioner is hereby authorized to charge any fees in connection with this application and to credit any overpayments to Deposit Account No. 14-1447. The undersigned invites the Examiner to contact him/her by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: December 9, 2008

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